

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CORY O'NEAL BREWER,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:20-cv-00396-MMD-CLB

ORDER

This case is a *pro se* petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, filed by Cory O'Neal Brewer, an individual incarcerated at Nevada's Ely State Prison. On June 29, 2020, Brewer filed his habeas petition (ECF No. 1-1), along with an application to proceed *in forma pauperis* (ECF No. 1), and a motion for leave of court to amend his petition (ECF No. 1-2).

The Court denied the application to proceed *in forma pauperis* and ordered Brewer to either file a new *in forma pauperis* application or pay the filing fee for this action. (ECF No. 3.) Brewer paid the filing fee on July 13, 2020. (ECF No. 5.)

The Court granted Brewer's motion for leave to amend his petition and granted Brewer an opportunity to amend. (ECF No. 3.) On September 18, 2020, Brewer filed a memorandum of points and authorities in support of his habeas petition. (ECF No. 13.) The Court treats that memorandum as a supplement to, and part of, Brewer's habeas petition.

The Court has reviewed Brewer's habeas petition, including his September 18, 2020, memorandum, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in

1 the United States District Courts. The Court will direct the Clerk of Court to serve the
2 petition upon the Respondents, and will require a response.

3 On September 18, 2020, Brewer filed a motion (ECF No. 12) in which he appears
4 to request that this Court order the state courts to transmit the entire state-court record in
5 his case. The Court will deny this motion. Respondents will, in due course, be required to
6 file the state-court record, when they file a motion to dismiss or answer.

7 It is therefore ordered that the Clerk of Court is directed to separately file the
8 petition for writ of habeas corpus, which is currently attached to the *in forma pauperis*
9 application at ECF No. 1-1.


10 It is further ordered that the Clerk of Court is directed to add Aaron D. Ford,
11 Attorney General of the State of Nevada, as counsel for Respondents.

12 It is further ordered that the Clerk of Court is directed to electronically serve upon
13 Respondents a copy of the petition for writ of habeas corpus, a copy of Brewer's
14 September 18, 2020, memorandum (ECF No. 13), and a copy of this order.

15 It is further ordered that Respondents will have 60 days from the date on which the
16 petition is served upon them to appear in this action, and to answer or otherwise respond
17 to the petition. If Respondents file an answer, Petitioner will have 60 days to file a reply
18 to the answer. If Respondents file a motion to dismiss, Petitioner will have 60 days to file
19 a response to the motion to dismiss, and then Respondents will have 30 days to file a
20 reply to Petitioner's response.

21 It is further ordered that Petitioner's motion requesting transmission of the state-
22 court record (ECF No. 12) is denied.

23 DATED THIS 1st day of October 2020.

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26 _____
27 MIRANDA M. DU
28 CHIEF UNITED STATES DISTRICT JUDGE